

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

ANGELO LEE TAYLOR,	:	Case No. 1:18-cv-524
	:	
Plaintiff,	:	Judge Timothy S. Black
	:	Magistrate Judge Karen L. Litkovitz
vs.	:	
	:	
SPRINGBORO MAYOR’S COURT,	:	
	:	
Defendant.	:	

**DECISION AND ENTRY
ADOPTING THE REPORTS AND RECOMMENDATIONS
OF THE UNITED STATES MAGISTRATE JUDGE (Docs. 4, 20)**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Karen L. Litkovitz. On August 1, 2018, Plaintiff Angelo Taylor filed a complaint against the Springboro Municipal Court alleging due process violations pursuant to 42 U.S.C. § 1983. (Doc. 3). On the same day, Judge Litkovitz entered a Report and Recommendation recommending dismissal of Plaintiff’s complaint pursuant to 28 U.S.C. § 1915(e)(2)(B), as the sole named defendant, the Springboro Municipal Court is not a legal entity capable of being sued in a § 1983 action. (Doc. 4).

Plaintiff filed untimely objections to the Report and Recommendation on September 10, 2018. (Doc. 5). Plaintiff also filed a motion for leave to amend his complaint, seeking to substitute Officer Randy Peagler as the defendant, while otherwise asserting the same substantive claims. (Doc. 6). On June 27, 2019, the Magistrate Judge entered a second Report and Recommendation recommending that the Court deny Plaintiff’s motion to amend the complaint. (Doc. 20). Plaintiff again filed untimely

objections to the Report and Recommendation. (Doc. 21). Defendant Springboro Mayor's Court filed a response (Doc. 22).

Plaintiff's objections are not well-taken. First, because Plaintiff's objections to the Magistrate Judge's Reports and Recommendations were untimely, they fail as a matter of law. *See Jones v. Warden, Ross Corr. Inst.*, No. 1:11-cv-871, 2013 WL 6230365, at *1 (S.D. Ohio Dec. 2, 2013). Regardless, Plaintiff's objections fail on the merits.

The Magistrate Judge's second Report and Recommendation explains that permitting Plaintiff to amend his complaint to substitute Officer Peagler as the defendant would be futile, because Plaintiff's complaint remains deficient for several reasons. First, the Magistrate Judge noted that because it appears the state criminal proceedings underlying Plaintiff's federal complaint are ongoing, the Court must abstain from hearing Plaintiff's federal constitutional challenges until resolution of the state court proceedings. (Doc. 20 at 3) (citing *Younger v. Harris*, 401 U.S. 37 (1971)). Moreover, the Magistrate Judge found that because Plaintiff failed to allege that the state court proceedings were resolved in his favor, his § 1983 action seeking monetary damages on the basis of an allegedly unconstitutional conviction or sentence would be "Heck-barred." (*Id.* at 3) (citing *Heck v. Humphrey*, 512 U.S. 477, 486-87 (1994)). Lastly, the Magistrate Judge found that Plaintiff's particular claim that Officer Peagler "lied, violating his Oath of Office, and went outside the scope of his duties to harass and assault" Plaintiff failed on its face to state a claim for relief. (*Id.* at 5).

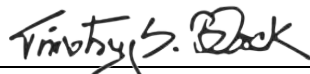
Plaintiff's objections to this second Report and Recommendation do not reference any specific findings of the Report and Recommendation and fail to identify any errors contained therein.¹ Regardless, the Court has reviewed the comprehensive findings of the Magistrate Judge pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b) and has considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that the Reports and Recommendations (Docs. 4, 20) should be and are hereby **ADOPTED** in their entirety.

Accordingly, for the reasons stated above:

- 1) This civil action is **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2)(B);
- 2) Plaintiff's motion to amend the complaint (Doc. 6) is **DENIED**;
- 3) The Court certifies that, pursuant to 28 U.S.C. § 1915(a)(3), an appeal of this Order would not be taken in good faith and therefore **DENIES** petitioner leave to appeal *in forma pauperis*;
- 4) The Clerk shall enter judgment accordingly, whereupon this case is **TERMINATED** from the docket of this Court.

IT IS SO ORDERED.

Date: 8/23/19



Timothy S. Black
United States District Judge

¹ Plaintiffs "objections" are incomprehensible and allege that he was improperly induced to enter an admiralty/maritime contract with the Springboro Mayor's Court. (Doc. 21 at 2).